UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,870	08/25/2005	Jens Jakobsen	915-006.68	2379

4955   7590   12/23/2008
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER
GODBOLD, DOUGLAS

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/516,870	JAKOBSEN ET AL.
	Examiner	Art Unit	
	DOUGLAS C. GODBOLD	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 9-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 9-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to correspondence filed September 29, 2008 in

reference to application 10/516,870. Claims 1-6, and 9-32 are pending and have been

examined.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

September 29, 2008 has been entered.

Response to Amendment

3.   The amendment filed September 29, 2008 has been accepted and considered in

this office action. Claims 1, 9, 10, and 17 have been amended, and claims 21-32 have

been added.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-32 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 9 is directed towards a computer

readable medium, which is not clearly defined in the original specification. Therefore

claim 9 is given broadest reasonable interpretation which can include non-statutory

subject matters, for example carrier waves. Therefore claim 9 is rejected as being

directed towards non-statutory subject matter.

Claim Rejections - 35 USC § 103

7.   Claims 1-6, and 9-32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fortier et al. (US Patent 6,583,179) in view of Badarneh (US PAP 2003/0001816).

8.   Consider claim 1, Fortier teaches a method comprising:

        receiving an initial user input causing a communication device to be prepared for

receiving an acoustic input of the user to perform said-speech recognition thereon

(column 8 line 15-53, user selects database for searching, for example selecting a

language);

receiving said acoustic input of the user and performing speech recognition thereon (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

performing a back-up operation alternatively to the speech recognition to enable said user to provide manual input in case of failure of said speech recognition of said acoustic input (column 7 lines 23-62 describes how if speech recognition returns no correct results, a user may for instance manually enter what they were trying to say.)

Fortier does not specifically teach that the communication device is mobile or that the backup manual input is performed as follows:

upon receiving a first manual user input by a multiple switching component, which is capable to exhibit a first input value and a second input value

displaying a list of a first set of data records in accordance with said first input value of said first manual user input or displaying a list of a second set of data records in accordance said second input value of said first manual user input; and

upon receiving a second manual user input identifying one data record of said displayed list,

transmitting an instruction corresponding to said identified data record to at least one application of a plurality of applications executable on said mobile communication device.

In the same field of telephone menu selection and directory systems, Badarneh teaches using a mobile communication device (abstract),

upon receiving a first manual user input by a multiple switching component,

which is capable to exhibit a first input value and a second input value (for instance

actuator 28 found in figure 19 described in 0097, can be used to select "Book" or

"menu" in figure 19L, described in 0104.)

displaying a list of a first set of data records in accordance with said first input

value of said first manual user input (phonebook display of figure 19n, paragraph 0104

is presumably displayed after hitting "book" with actuator) or displaying a list of a second

set of data records in accordance said second input value of said first manual user input

(menu displayed figure 19m, described 0104); and

upon receiving a second manual user input identifying one data record of said

displayed list (paragraph 0104, phonebook can be accessed from menu by control

element.),

transmitting an instruction corresponding to said identified data record to at least

one application of a plurality of applications executable on said mobile communication

device (paragraph 0104, phonebook can be accessed from menu by control element,

Instruction here would be "access phonebook").

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to use the multi-position actuator taught by Badarneh in place of the

manual spelling input method of Fortier in order to provide a simpler, more logical and

efficient means for data entry (Badarneh paragraph 0002).

9.   Consider claim 2, Badarneh teaches the data records of said first set of data

records each comprise at least one instruction dedicated to a dialing application for

dialing a telephone number comprised in said instruction, wherein said first set of data

records represents a selection of telephone directory entries (figure 19n, phonebook

entries, paragraph 0104), wherein data records of said second set or data records each

comprise at least one instruction dedicated to a control function of at least one

application executed on said mobile communication device in accordance with said

instruction, wherein said second set of data records represents a selection of device

functions, or device application functions, or both (menu of figure 19m described 0104

clearly shows selectable device functions.).

10.   Consider claim 3, Badarneh teaches at least one designation is assigned to each

of the data records, said designation being displayable ("Book" or "menu" in figure 19L,

described in 0104 represents the phonebook or the menu.).

11.   Consider claim 4, Fortier teaches displaying an indication to said user that an

alternative manual user input is operable when receiving said initial user input (pre-

recorded voice announcement to user informing them of options in case of failed

recognition, column 11 line 15.).

12.   Consider claim 5, Badarneh teaches the list of said first set of data records is

arranged in a pre-determined sequence (figure 19n, it is inherent that the contacts must

be ordered in some fashion for it to be possible to display them) and wherein said

displaying of said list of said first set of data records comprises:

displaying at least one data record of said list of said first set of data records

(figure 19n, shows different phonebook entries);

receiving a browsing input capable to exhibit a first browsing value and a second

browsing value (actuator 28, described 0097.);

in case said browsing input corresponds to said first browsing value, displaying at

least one data record in said pre-determined sequence subsequent to said at least one

displayed data record (scrolling up and down described using control actuator 0089);

and

in case said browsing input corresponds to said second browsing value,

displaying at least one data record in said pre-determined sequence preceding said at

least one displayed data record (scrolling up and down described using control actuator

0089).

13.   Consider claim 6, Badarneh teaches the list of said second set of data records is

arranged in a pre-determined sequence (figure 19m, it is inherent that the options must

be ordered in some fashion for it to be possible to display them.) and wherein said

displaying of said list of said first set of data records comprises:

displaying at least one data record of said list of said first set of data records

(figure 19m shows different options);

receiving a browsing input capable to exhibit a first browsing value and a second

browsing value (actuator 28, described 0097.);

in case said browsing input corresponds to said first browsing value, displaying at

least one data record in said pre-determined sequence subsequent to said at least one

displayed data record (scrolling up and down described using control actuator 0089);

and

in case said browsing input corresponds to said second browsing value, displaying at

least one data record in said pre-determined sequence preceding said at least one

displayed data record (scrolling up and down described using control actuator 0089).

14.   Consider claim 9, Fortier teaches a computer readable medium having computer-

executable instructions stored thereon (Figure 3, Fortier shows a computerized system

that would inherently require a computer readable medium having computer-executable

instructions stored thereon) for performing the method comprising:

receiving an initial user input causing a communication device to be prepared for

receiving an acoustic input of the user to perform said-speech recognition thereon

(column 8 line 15-53, user selects database for searching, for example selecting a

language);

receiving said acoustic input of the user and performing speech recognition

thereon (column 2, line 12, step a), capturing word from speaker, and step b) receiving

from speech recognition at least one representation of word);

performing a back-up operation alternatively to the speech recognition to enable

said user to provide manual input in case of failure of said speech recognition of said

acoustic input (column 7 lines 23-62 describes how if speech recognition returns no

correct results, a user may for instance manually enter what they were trying to say.)

Fortier does not specifically teach that the communication device is mobile or that

the backup manual input is performed as follows:

upon receiving a first manual user input by a multiple switching component,

which is capable to exhibit a first input value and a second input value

displaying a list of a first set of data records in accordance with said first input

value of said first manual user input or displaying a list of a second set of data records

in accordance said second input value of said first manual user input; and

upon receiving a second manual user input identifying one data record of said

displayed list,

transmitting an instruction corresponding to said identified data record to at least

one application of a plurality of applications executable on said mobile communication

device.

In the same field of telephone menu selection and directory systems, Badarneh

teaches using a mobile communication device (abstract),

upon receiving a first manual user input by a multiple switching component,

which is capable to exhibit a first input value and a second input value (for instance

actuator 28 found in figure 19 described in 0097, can be used to select "Book" or

"menu" in figure 19L, described in 0104.)

displaying a list of a first set of data records in accordance with said first input

value of said first manual user input (phonebook display of figure 19n, paragraph 0104

is presumably displayed after hitting "book" with actuator) or displaying a list of a second

set of data records in accordance said second input value of said first manual user input

(menu displayed figure 19m, described 0104); and

upon receiving a second manual user input identifying one data record of said

displayed list (paragraph 0104, phonebook can be accessed from menu by control

element.),

transmitting an instruction corresponding to said identified data record to at least

one application of a plurality of applications executable on said mobile communication

device (paragraph 0104, phonebook can be accessed from menu by control element,

Instruction here would be "access phonebook").

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to use the multi-position actuator taught by Badarneh in place of the

manual spelling input method of Fortier in order to provide a simpler, more logical and

efficient means for data entry (Badarneh paragraph 0002).

15.   Consider claim 10, Fortier teaches a communication device comprising:

pre-stored voice tags that are employable for speech recognition to enable

selection of said-data records by speech input and recognition based on said voice tags

(recognizer returns representations; column 2 line 16. These are analogous to tags as

they are matched to the user utterance and returned. Column 8 lines 54-66, recognition uses a table of "predefined values.");

a speech recognition component for recognizing acoustic input via a microphone resulting in a selection of one of said data records in accordance with said acoustic input (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

a first actuator for activating said speech recognition component (column 8 line 15-53, user selects database for searching, for example selecting a language using softkeys.);

Fortier does not specifically teach:

a second actuator comprising a multiple switching component capable of generating a first input signal and a second input signal (), said second actuator operable with said speech recognition component for displaying a list of said first set of data records or said second set of said data records on a display of said mobile communication device in accordance with said first input signal and said second input signal (); and

a third actuator for selecting one data record of said list displayed on said display and for transmitting an instruction corresponding to said selected data record to at least one application for execution in accordance with said instruction ().

In the same field of telephone menu selection and directory systems, Badarneh teaches

a second actuator comprising a multiple switching component capable of generating a first input signal and a second input signal (actuator 28, described 0097 and 0089), said second actuator operable with said speech recognition component for displaying a list of said first set of data records or said second set of said data records on a display of said mobile communication device in accordance with said first input signal and said second input signal (paragraph 0089 and 0097, actuator used to browse menus); and

a third actuator for selecting one data record of said list displayed on said display and for transmitting an instruction corresponding to said selected data record to at least one application for execution in accordance with said instruction (hitting down as shown in figure 19m selects the item highlighted).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the multi-position actuator taught by Badarneh in place of the manual spelling input method of Fortier in order to provide a simpler, more logical and efficient means for data entry (Badarneh paragraph 0002).

16.   Claim 11 contains similar limitations to claim 2, and is accordingly rejected for similar reasons.

17.   Claim 12 contains similar limitations to claim 3, and is accordingly rejected for similar reasons.

18.   Claim 13 contains similar limitations to claim 4, and is accordingly rejected for

similar reasons.

19.   Claim 14 contains similar limitations to claim 5, and is accordingly rejected for

similar reasons.

20.   Claim 15 contains similar limitations to claim 6, and is accordingly rejected for

similar reasons.

21.   Consider claim 16, Badarneh teaches said second actuator is able to generate at

least two different signals upon input of a user (actuator can be moved different ways,

0097, and obviously must generate different signals).

22.   Consider claim 17, Fortier teaches a communication device, comprising:

        a memory having a speech recognition program stored thereon for execution in

said mobile communication device (Figure 3, Fortier shows a computerized system that

would inherently require a computer readable medium having computer-executable

instructions stored thereon) for performing the method of claim 1);

        a signal processor coupled to said memory (inherent for operation), responsive to

an initial user input, for causing said mobile communication device to be prepared for

receiving an acoustic input of the user (column 8 line 15-53, user selects database for

searching, for example selecting a language);

said signal processor, responsive to said acoustic input of the user for performing
speech recognition thereon (column 2, line 12, step a), capturing word from speaker,
and step b) receiving from speech recognition at least one representation of word);

said signal processor for performing a back-up operation alternatively to said
speech recognition to enable said user to provide manual input in case of failure of said
speech recognition of said acoustic input (column 7 lines 23-62 describes how if
speech recognition returns no correct results, a user may for instance manually enter
what they were trying to say.)

Fortier does not specifically teach that the communication device is mobile or that
the backup manual input is performed as follows:

upon receiving a first manual user input by a multiple switching component,
which is capable to exhibit a first input value and a second input value

displaying a list of a first set of data records in accordance with said first input
value of said first manual user input or displaying a list of a second set of data records
in accordance said second input value of said first manual user input; and

upon receiving a second manual user input identifying one data record of said
displayed list,

transmitting an instruction corresponding to said identified data record to at least
one application of a plurality of applications executable on said mobile communication
device.

In the same field of telephone menu selection and directory systems, Badarneh
teaches using a mobile communication device (abstract),

upon receiving a first manual user input by a multiple switching component,

which is capable to exhibit a first input value and a second input value (for instance

actuator 28 found in figure 19 described in 0097, can be used to select "Book" or

"menu" in figure 19L, described in 0104.)

displaying a list of a first set of data records in accordance with said first input

value of said first manual user input (phonebook display of figure 19n, paragraph 0104

is presumably displayed after hitting "book" with actuator) or displaying a list of a second

set of data records in accordance said second input value of said first manual user input

(menu displayed figure 19m, described 0104); and

upon receiving a second manual user input identifying one data record of said

displayed list (paragraph 0104, phonebook can be accessed from menu by control

element.),

transmitting an instruction corresponding to said identified data record to at least

one application of a plurality of applications executable on said mobile communication

device (paragraph 0104, phonebook can be accessed from menu by control element,

Instruction here would be "access phonebook").

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to use the multi-position actuator taught by Badarneh in place of the

manual spelling input method of Fortier in order to provide a simpler, more logical and

efficient means for data entry (Badarneh paragraph 0002).

23.   Claim 18 contains similar limitations to claim 2, and is accordingly rejected for similar reasons.

24.   Claim 19 contains similar limitations to claim 5, and is accordingly rejected for similar reasons.

25.   Claim 20 contains similar limitations to claim 6, and is accordingly rejected for similar reasons.

26.   Consider claim 21, Badarneh teaches the method according to claim 1, wherein either said list of said first set of data records or said list of said second set of data records is displayed (figure 19n phonebook or figure 19m menu are displayed, but not at same time, see paragraph 0104.).

27.   Consider claim 22, Badarneh teaches method according to claim 1, wherein said displaying of said list of said first set of data records or displaying said list of said second set of data records further comprises:

upon receiving a browsing input, browsing within the data records of the displayed list (paragraph 0089 describes using the actuator for browsing).

28.   Consider claim 23, neither Fortier or Badarneh specifically teach wherein said first set of data records represents all telephone directory entries activateable by speech

recognition. However, if all the telephone entries are activateable by speech recognition in Fortier, then it would have been obvious to one of ordinary skill in the art at the time of the invention that when the phonebook is displayed in Badarneh, all of the entries that would have been activateable by speech recognition would appear in the list in order to facilitate access to all entries manually.

29.   Consider claim 24, neither Fortier or Badarneh specifically teach wherein said second set of data records represents all device functions or device application activateable by speech recognition. However, if all the menu entries are activateable by speech recognition in Fortier, then it would have been obvious to one of ordinary skill in the art at the time of the invention that when the menu is displayed in Badarneh, all of the entries that would have been activateable by speech recognition would appear in the list in order to facilitate access to all entries manually.

30.   Claim 25 contains similar limitations to claim 21, and is accordingly rejected for similar reasons.

31.   Claim 26 contains similar limitations to claim 22, and is accordingly rejected for similar reasons.

32.   Claim 27 contains similar limitations to claim 23, and is accordingly rejected for similar reasons.

33.   Claim 28 contains similar limitations to claim 24, and is accordingly rejected for similar reasons.

34.   Claim 29 contains similar limitations to claim 21, and is accordingly rejected for similar reasons.

35.   Claim 30 contains similar limitations to claim 22, and is accordingly rejected for similar reasons.

36.   Claim 31 contains similar limitations to claim 23, and is accordingly rejected for similar reasons.

37.   Claim 32 contains similar limitations to claim 24, and is accordingly rejected for similar reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG
/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626